

MINUTES

FILED IN THE
UNITED STATES DISTRICT COURT
DISTRICT OF HAWAII

1/30/2006 4:30 pm

SUE BEITIA, CLERK

CASE NUMBER: CR 04-00181SOM
CASE NAME: USA vs. (03) Romulo Morales
ATTYS FOR PLA: Leslie Osborne, Jr.
ATTYS FOR DEFT: 03 Tommy Waters
Ellie Asasaki (USPO)

JUDGE:	Susan Oki Mollway	REPORTER:	Sharon Ross
DATE:	1/30/2006	TIME:	1:35 - 1:50

COURT ACTION: EP: Sentencing to Count 1 of the Indictment; United States' Motion for Downward Departure -

Defendant (03) Romulo Morales present and in custody.

Court adopts the PSR, and it is filed under seal along with the USPO's recommendations.

The Memorandum of Plea Agreement has been accepted by the Court.

United States' Motion for Downward Departure - Granted.

Allocution by the Defendant.

ADJUDGED:

Imprisonment: TIME SERVED.

Supervised Release: 5 Years.

Restitution: \$1,376,000.00

Special Assessment: \$100.00.

CONDITIONS:

- ▶ That the defendant shall abide by the standard conditions of supervision.
- ▶ That the defendant not commit any crimes, federal, state, or local (mandatory condition).
- ▶ That the defendant not possess illegal controlled substances (mandatory condition)
- ▶ That the defendant shall cooperate in the collection of DNA as directed by the probation officer.
- ▶ That the defendant shall refrain from any unlawful use of a controlled substance. The defendant shall submit to one drug test within 15 days of commencement of supervision and at least two drug tests thereafter but no more than but no more than 8 valid drug tests per month during the term of supervision unless there is a positive drug test, in which event, the maximum shall increase up to one valid drug test per day.
- ▶ That the defendant shall not possess a firearm, ammunition, destructive device, or any other dangerous weapon.
- > The defendant is prohibited from the possession and use of alcohol.
- ▶ That the defendant shall participate in and comply with substance abuse treatment which includes drug and alcohol testing in a program approved by the Probation Office.
- ▶ That restitution of \$1,376,000 is due immediately to EMC Mortgage, to be paid jointly and severally with codefendants Remy and Cynthia Agbayani, and any remaining balance upon release from confinement be paid during the period of supervision on an installment basis according to the collection policy of the Probation Office but at a rate of not less than 10 percent of his monthly gross income. Interest is waived while the defendant is serving his term of imprisonment and shall commence to accrue on any remaining balance upon his release on supervision.
- ▶ That the defendant execute all financial disclosure forms, and provide the Probation Office and the Financial Litigation Unit of the U.S. Attorney's Office access to any requested financial information to include submitting to periodic debtor's examinations as directed by the Probation Office.
- ▶ That the defendant is prohibited from incurring credit charges and lines of credit without the approval of the Probation Office.

Defendant advised of his right to appeal.

Government's Motion to Dismiss Counts 2, 3 and 13 of the Indictment as to this defendant only - Granted.

Defendant remanded to the custody of the USM.

Submitted by: Toni Fujinaga, Courtroom Manager.